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October 22, 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W. Room 222  
Washington, D.C. 20554

Ex Parte

Re: GN Docket No. 93-252


Dear Mr. Caton:

Pursuant to Section 1.1206(a) of the Commission's Rules, this is to notify you that representatives of the Utilities Telecommunications Council (UTC) met today with the staff of Commissioner Duggan's office to discuss the Commission's proposals in GN Docket No. 93-252 to change the regulatory treatment of mobile services as a result of provisions of the Budget Reconciliation Act of 1993. Specifically, UTC discussed Commissioner Duggan's recommendation that a Mobile Service Bureau be established within the Commission. UTC presented its suggestions for the creation of a Wireless Services Bureau, as described in the attached copy of UTC's written presentation to the Commissioner's office.

An original and one copy of this notification are being submitted for filing in the above-referenced docket.

Should any questions arise concerning this matter, please communicate directly with undersigned counsel.

Very truly yours,

  
Jeffrey L. Sheldon  
General Counsel

Attachments

cc: Randall S. Coleman, FCC

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SUGGESTED REORGANIZATION OF BUREAU FUNCTIONS  
TO ACCOMMODATE THE "REGULATORY PARITY" PROVISIONS  
OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993

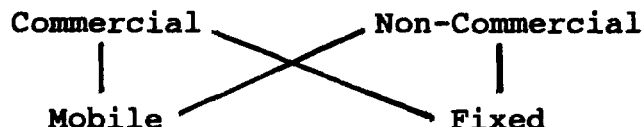
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FEDERAL COMMUNICATIONS COMMISSION  
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In response to Commissioner Ervin Duggan's suggestion that the Commission consider the creation of a "Mobile Services Bureau," UTC presents its suggestions for FCC reorganization to accommodate the "regulatory parity" provisions of the Omnibus Budget Reconciliation Act of 1993 and to streamline FCC policy, licensing and enforcement activities in a manner consistent with Vice President Albert Gore's call to "reinvent government."

While the FCC's recently adopted Notice of Proposed Rulemaking, GN Docket No. 93-252, to adopt regulations implementing regulatory parity does not specifically propose a reorganization, UTC believes such reorganization will be necessary to effectively carry out the new legislation.

Under the Budget Act, the FCC will be required to distinguish between "commercial mobile service providers" and other mobile radio service users. In addition, the Budget Act implicitly endorses the FCC's existing practice of distinguishing "mobile" radio services from "fixed" radio services. UTC has therefore attempted to develop an organizational structure that will balance these four criteria:



UTC recommends conversion of the Private Radio Bureau into a new "Wireless Services Bureau" that would be charged with greater responsibility for developing policy for most non-broadcast radio services. The Divisions within the Bureau would be as follows:

- a. Commercial Services Division -- to establish policies and rules on all "commercial" radio services, both fixed and mobile.

- b. Safety/Industrial Services Division -- to establish policies and rules on all "traditional" or "non-commercial" radio services, both fixed and mobile (including special radio services such as marine, aviation and amateur radio services).
- c. Licensing Division -- to perform the licensing function for all fixed and mobile radio services and to provide administrative support to the Bureau.
- d. Enforcement Division -- to provide enforcement of all fixed and mobile radio services, with the exception of tariffing or other "Title II" issues, which would be handled by the Common Carrier Bureau.

Under the proposed structure, "commercial services" and "safety/industrial" services would each have equal representation in the Bureau. With respect to the fixed/mobile dichotomy, it is UTC's opinion that this distinction is only relevant from a licensing standpoint and that there is no need to have separate offices within the Bureau for the development of policy or rules on fixed or mobile services. Therefore, the proposed table of organization only provides for separate "Fixed" and "Mobile" Branches within the Licensing Division.

The new Bureau would be headed by a Chief, assisted by a Deputy Chief for Policy and Planning and an Assistant Bureau Chief for Management. For example, UTC envisions that the Deputy Chief for Policy and Planning would be responsible for balancing the competing demands of the "Commercial" and "Safety/Industrial Services" Divisions for spectrum allocations.

Although the Wireless Services Bureau would be primarily responsible for developing rules and policies for most non-broadcast radio services, certain related matters would remain vested in the Common Carrier Bureau. For example, review of tariffs, if any, filed by "commercial mobile service providers" or common carrier microwave operators, would be performed in the Common Carrier Bureau. Likewise, complaints brought under Section 208 would be resolved in the Common Carrier Bureau. This division of responsibility could also be beneficial if and when the issue of competition between landline and mobile services comes to the forefront.

**REORGANIZATION OF PORTIONS OF THE FCC'S COMMON CARRIER BUREAU AND PRIVATE RADIO BUREAU  
INTO WIRELESS SERVICES BUREAU**

**CURRENT FCC TABLE OF ORGANIZATION<sup>1/</sup>**

**COMMON CARRIER BUREAU**

Enforcement Division  
Domestic Facilities Division  
    Domestic Radio Branch  
    Domestic Services Branch  
    Satellite Radio Branch  
Tariff Division  
Mobile Services Division  
    Legal Branch  
    Public Mobile Radio Branch  
    Cellular Radio Branch  
    Public Reference/Information Branch  
Accounting and Audits Division  
Industry Analysis Division  
Policy/Program Planning Division  
Asst. Bureau Chief/International  
International Facilities Division  
International Policy Division

**PRIVATE RADIO BUREAU**

Land Mobile and Microwave Division  
    Rules Branch  
    Compliance Branch  
    Policy and Planning Branch  
Licensing Division  
    Land Mobile Branch  
    Special Services Branch  
    Microwave Branch  
    Data Services Branch  
    Support Services Branch  
    Consumer Assistance Branch  
    Fee and Mail Branch  
Special Services Division  
    Personal Radio Branch  
    Aviation and Marine Branch  
    International Staff

**PROPOSED FCC TABLE OF ORGANIZATION**

**COMMON CARRIER BUREAU**

Enforcement Division  
Domestic Facilities Division  
    Domestic Services Branch  
Tariff Division  
Accounting and Audits Division  
Industry Analysis Division  
Policy/Program Planning Division  
Asst. Bureau Chief/International  
International Facilities Division  
International Policy Division

**WIRELESS SERVICES BUREAU**

Chief<sup>2/</sup>  
Deputy Chief Policy and Planning  
Assistant Bureau Chief for Management  
Commercial Services Division<sup>3/</sup>  
    Legal Branch  
    Engineering Branch  
    Policy and Planning Branch  
Safety/Industrial Services Division  
    Legal Branch  
    Engineering Branch  
    Policy and Planning Branch  
    Personal Radio Branch  
    Aviation and Marine Branch  
Licensing Division  
    Fixed Services Branch  
    Mobile Services Branch  
    Special Services Branch  
    Data Services Branch  
    Support Services Branch  
    Consumer Assistance Branch  
    Fee and Mail Branch  
Enforcement Division

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<sup>1/</sup> The table is abridged to highlight only those bureaus/divisions that would be impacted by the proposed reorganization. All other bureaus and divisions would remain as they currently exist.

<sup>2/</sup> The International staff would be an office within the Office of Bureau Chief.

<sup>3/</sup> Tariff filings, if any, required of Commercial Service Providers would continue to be filed with the Tariff Division of the Common Carrier Bureau.